

Minutes of the Malvern City Council

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Held in the City Hall Courtroom

Tuesday, October 13, 2015

The Malvern City Council met for its regular monthly meeting on Tuesday, October 13, 2015 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and introduced Rev. John Arthur Hill of Greater New Hope Baptist Church, who led the invocation and pledge of allegiance. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Peggy Lusinger, Larry Stiles and David Cross with Robin Halbert absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Mayor Weldon declared a quorum present and welcomed everyone to the meeting.

A motion was made by Fraction, seconded by Reynolds to adopt the minutes of the previous regular meeting held on September 14, 2015. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All voting for motion carried.

Departmental reports were presented for approval. A motion was made by Fraction, seconded by Davis to accept departmental reports as mailed. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross. All voting for motion carried.

Under old business, Council Member Lusinger introduced for its second reading an ordinance levying city taxes for the year 2016. Clerk/Treasurer Dial read the ordinance for its second reading by title only. The ordinance will be heard for its third and final reading at the November meeting of the council.

Council Member Reynolds introduced for its third and final reading by title only an ordinance authorizing and governing the sale of lots in the Oak Ridge Cemetery. The Clerk/Treasurer read the ordinance for its third and final reading by title only. A motion was made by Reynolds, seconded by Fraction to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, and Stiles with Cross voting "no" and Halbert absent. The motion carried by a vote of 6-1 and the ordinance was declared adopted and assigned No. 2015-12. Alderman Reynolds stated that the cemetery has been there for a long time and he sees no choice but to continue to maintain it, and thinks the Council would be derelict in their duties not to try and continue to provide the cemetery for our citizens.

ORDINANCE NO. 2015-12

CITY OF MALVERN, ARKANSAS PROVIDING FOR CEMETERY RULES AND REGULATIONS AND GENERAL PROVISIONS REGARDING OAK RIDGE CEMETERY, REPEALING AND REPLACING TITLE 13 - CEMETERY, CHAPTERS 13.04.010 THROUGH 13.12.080

Council Member Reynolds introduced a resolution adopting the rules and regulations for the Oak Ridge Cemetery as compiled and submitted by the City's Cemetery

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Committee, and the proposed resolution was read by Clerk/Treasurer Dial. A motion was made by Reynolds, seconded by Fraction to adopt the resolution. Alderman Stiles asked the cemetery committee about the provision in the rules concerning upright monuments. John Allen Funk, chairman of the cemetery committee, noted that there are some areas where it might be easier to maintain upright monuments on sloping areas than the flat ones. Council Member Lusinger asked who makes the designation for those areas where upright monuments would be allowed. Mr. Funk stated that there is only one section that has a slope and that can be disclosed to people when they are purchasing lots. The Mayor asked Mr. Funk to meet with her and review the rules at a later date for some fine-tuning. Council Member Fraction stated that she would like to make it clear to the public again, that the cemetery is for everyone who wishes to purchase a lot and be buried there. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the resolution was assigned No. 26-2015.

RESOLUTION NO. 26-2015

A RESOLUTION ADOPTING THE POLICIES AND PROCEDURES OF THE CEMETERY COMMITTEE OF THE CITY OF MALVERN, ARKANSAS

Under new business, a motion was made by Reynolds, seconded by Fraction to accept the recommendation of the Malvern Planning Commission to appoint Reyna Hart to a one-year term, and Tony Warner to a three-year term on the Planning Commission. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for the motion carried.

Alderman Stiles introduced for its first reading an ordinance setting a city-wide auction for October 29, 2015 at 10 a.m. The Clerk/Treasurer read the ordinance for its first reading. Alderman Reynolds noted that the street sweeper was included in the items to be auctioned and asked what the street department intended to do to replace it. Street Superintendent Mike Smith told the Council that the sweeper was in such bad shape that it was uneconomical to keep repairing it. He said that they will be asking to purchase a new one in the 2016 budget and the cost for that will be about \$170,000 and that financing options are being explored. A motion was made by Reynolds, seconded by Fraction to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the Clerk read the ordinance for its second reading by title only. A motion was made by Fraction, seconded by Davis to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the Clerk read the ordinance for its third and final reading by title only. A motion was made by Fraction, seconded by Lusinger to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for

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motion carried and ordinance was declared adopted and assigned No. 2015-13. A motion was made by Stiles, seconded by Fraction to adopt the emergency clause of the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried and the emergency clause was adopted.

ORDINANCE NO. 2015-13

AN ORDINANCE PROVIDING FOR THE AUCTIONING OF CERTAIN PERSONAL PROPERTY AND DECLARING AN EMERGENCY

A motion was made by Reynolds, seconded by Fraction to accept the bid submitted by T&T Backhoe Services, Inc. of Rison, Arkansas in the amount of \$6,000 for the demolition of the structures at 520 W. Fifth and 108 Truman Streets. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried.

Alderman Davis introduced a resolution placing a clean-up lien on the property located at 319 Forrest Street. City Clerk/Treasurer Dial read the resolution, and a motion was made by Stiles, seconded by Davis to adopt the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried, and the resolution was declared adopted and assigned No. 27-2015.

RESOLUTION NO. 27-2015

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE HOT SPRING COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 319 FORREST STREET IN THE CITY OF MALVERN, ARKANSAS; AND FOR OTHER PURPOSES

Alderman Davis introduced a resolution placing a clean-up lien on the property located at 1207 Kelly Street. City Clerk/Treasurer Dial read the resolution, and a motion was made by Davis, seconded by Fraction to adopt the resolution. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Stiles, and Cross with Halbert absent. All present voting for motion carried, and the resolution was declared adopted and assigned No. 28-2015.

RESOLUTION NO. 28-2015

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE HOT SPRING COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1207 KELLY STREET IN THE CITY OF MALVERN, ARKANSAS; AND FOR OTHER PURPOSES

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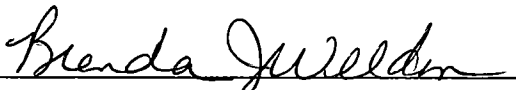
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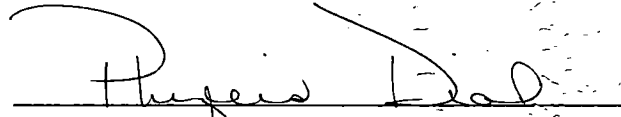
Under Mayor Reports, Mayor Weldon told the Council that she had received the offer and acceptance for the purchase of the building across the street from City Hall from Mrs. Ault, pending a termite inspection and other inspections. She stated that the roof has been inspected and she will be getting the report on that.

Mayor Weldon announced that Budget Committee Meetings will start soon and that she will notify Council Members of those meetings should they wish to attend. Alderman Reynolds stated that the finance committee will begin looking at how they will use the JSAP information.

A motion was made by Reynolds, seconded by Fraction to adjourn. There being no further business to come before the Council, the meeting was declared adjourned.



Brenda J. Weldon, Mayor



Phyllis Dial, City Clerk/Treasurer

9/19/2015

Malvern/HSC Planning Commission

Jessie Clark- President

Mayor Weldon and Honorable Councilors,


The Hot Spring County/Malvern planning commission met for its regular meeting on 9/15/2015. At this meeting we met with and voted to recommend the following people for the two vacant positions in Ward 1.

Reyna Hart- 1 Year Term

Tony Warner- 3 Year Term

We ask that these nominations be approved so that they may join the commission for Ward 1.

Thank you,

A handwritten signature in black ink, appearing to read "Baker", with a large, stylized initial "B" at the start.

Brock A. Baker

Secretary

Hot Spring County Planning Commission

BID SUMMARY

The City of Malvern opened bids on Wednesday October 7, 2015 at 10:34 a.m. for the demolition of the structures at 520 W. Fifth and 108 Truman Streets. Present for the opening were Clerk/Treasurer Phyllis Dial, and Kim Pierce and Donna Placker of the Treasurer's Office. One bid was received with the results as follows:

T&T Backhoe Service Inc.
8290 US 79
Rison, Arkansas
(870) 325-7090

TOTAL \$6,000.00